



# Virginia Child Labor Laws

Protecting Young Student Workers in the  
Commonwealth

# Department History

- Created by the Virginia General Assembly in 1898 as the Bureau of Labor and Industrial Statistics
- Received agency status and became the Virginia Department of Labor and Industry in 1927
- The primary authority is the *Code of Virginia* § 40.1: “Labor Laws of Virginia”





# Department Services

- Provides services to citizens, employers and employees to produce safe, healthy and productive working environments
- Central headquarters in Richmond
- Regional offices located in Abingdon, Manassas, Lynchburg, Norfolk, Richmond, Roanoke, and Verona

# The Child Labor Laws

- Code of Virginia
  - § 40.1-78 to § 40.1-116
- Virginia Administrative Code
  - 16 VAC 15-30-10 to 16 VAC 15-50-50



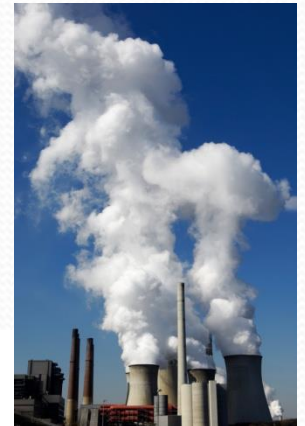


# Hazardous Occupations

Prohibited to All Minors Under 18

*Code of Virginia § 40.1-100 A*

- Manufacturing or storing explosives
- Logging and Sawmilling
- Power-Driven Woodworking Machines
- Exposure to Radioactive Substances or Ionizing Radiation
- Power-Driven Hoisting Apparatus
- Power-Driven Metal Forming Machines

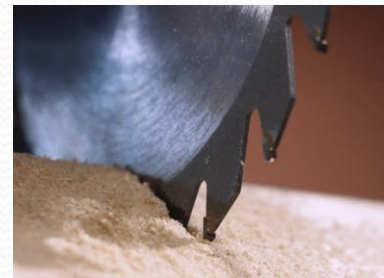


# Hazardous Occupations

Prohibited to All Minors Under 18

*Code of Virginia § 40.1-100 A*

- Mining
- Slaughtering, Meat-Packing
- Power-Driven Bakery Machines
- Power-Driven Paper Product Machines
- Manufacturing Brick, Tile, or Kindred Products
- Power-Driven Saws
- Wrecking, Demolition, Shipbreaking





# Hazardous Occupations

Prohibited to All Minors Under 18

*Code of Virginia § 40.1-100 A*

- Roofing
- Excavation
- Fire Fighting
- Serving Alcoholic Beverages
- Manufacturing Paints, Colors, or White Lead
- Preparing and Using Dangerous, Poisonous Chemicals



# Sexually Explicit Material

Prohibited to All Minors Under 18

*Code of Virginia § 40.1-100.2*

- They are not allowed to perform or be involved in anything sexually explicit





# Driving at Work

*Code of Virginia § 40.1-100 A*



- Driving is prohibited for minors 16 and younger
- There are strict limits on when a 17-year-old may drive

# Restricted Duties for Minors Under 16

*Code of Virginia § 40.1-100 B*



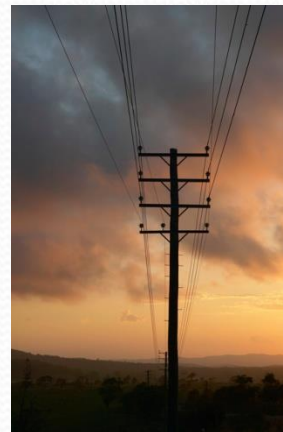
- Mechanical Establishments
- Commercial Canneries
- Automatic Passenger or Freight Elevators
- Dance Studio: Dance Club
- Providing Care for Patients
- Laboratory Helper, Therapist, Orderly, or Nurse's Aide
- Veterinary Hospital
- Undertaking or Funeral Home
- Curb Service at a Restaurant
- Hotel or Motel Room Service



# Restricted Duties for Minors Under 16

*Code of Virginia § 40.1-100 B*

- Brick, Coal, or Lumber Yards
- Ice Plants
- Ushers in Theaters
- Scaffolding Work or Construction
- Outdoor Theaters, Carnivals, Fairs Floor Shows, Pool Halls, Clubs, or Roadhouses
- Lifeguarding at the Beach
- Soliciting
- Manufacturing
- Transportation
- Warehousing and Storage
- Communications and Public Utilities



# Restricted Duties for Minors Under 16

*Code of Virginia § 40.1-100 B*

- Boiler or Engine Rooms
- Maintenance or Repair
- Outside Window Washing with Ladders, Scaffolds, or a Substitute
- Cooking and Baking
- In Freezer and Meat Coolers
- Loading and Unloading Goods
- Pits, Racks, or Lifting Apparatus
- Inflating Tires Mounted on Rim with a Removable Retaining Ring
- Power-Driven Mowers and Cutters





# Student Learner Exemptions

- The following have a student learner exemption:
  - Minors 16- or 17-years-old:
    - Power-driven woodworking machines
    - Power-driven metal forming machines
    - Slaughtering and meat packing
    - Power-driven bakery machines
    - Power-driven paper products machines
    - Power-driven saws
    - Roofing
  - Minors 14- or 15-years-old:
    - The Restricted Occupations listed in *Code of Virginia § 40.1-100 B*

# Work-Training Agreement

*Code of Virginia § § 40.1-88 and 89*

- Managed by the Coordinator of Schools
- Certifies the student learner is enrolled in a course of study and training in a Career and Technical Education program
- 16- or 17-year-olds may be employed in an exempt Hazardous Occupation
- 14- or 15-year-olds may be employed in a Restricted Occupation





# Work-Training Agreement

*Code of Virginia § § 40.1-88 and 89*



- States the work declared hazardous will be incidental to the training
- Hazardous work will be intermittent and for short periods of time under direct, close supervision
- Safety instruction shall be given by the school and linked to on-the-job training
- Contains a schedule of organized and progressive work processes

# Hour Restrictions

*Code of Virginia §§40.1-80.1, 88, 115, and 116*



- Work-Training Agreements permit a student learner to work during school hours
- All other hours restrictions still apply



# Hour Restrictions

All Minors

*Code of Virginia § 40.1-116*



- Employers may not require a minor to work in violation of a local curfew ordinance

# Hour Restrictions

## Minors Under 16-Years-Old

*Code of Virginia §40.1-80.1*

### School Year

- 7 A.M. to 7 P.M.
  - Not during school time
  - They can start delivering newspapers at 4 AM
- 3 Hours on a School Day
- 18 Hours for a School Week
- 8 Hours on a Non-School day
- 40 Hours for a Non-School Week

### Summer

- 7 A.M. to 9 P.M.
  - June 1<sup>st</sup> through Labor Day
  - Not during school time
  - They can start delivering newspapers at 4 AM
- 8 Hours a Non-School Day
- 40 Hours a Non-School Week



# Hour Restrictions

Minors Under 16-Years-Old  
*Code of Virginia §40.1-80.1*

- Employers are required to give a 30 Minute Break after the minor works 5 Consecutive Hours



# Instructor Liability

*Code of Virginia § 40.1-113*



- Coordinators can be held responsible for violations of the child labor laws
- Each violation is up to a \$1000 Civil Monetary Penalty



# Career and Technical Educator Resources



- Joint workplace inspections
- Instructor / Staff training on Labor and Employment Laws
- Classroom presentations for CTE students
- Reference materials

# Federal Law

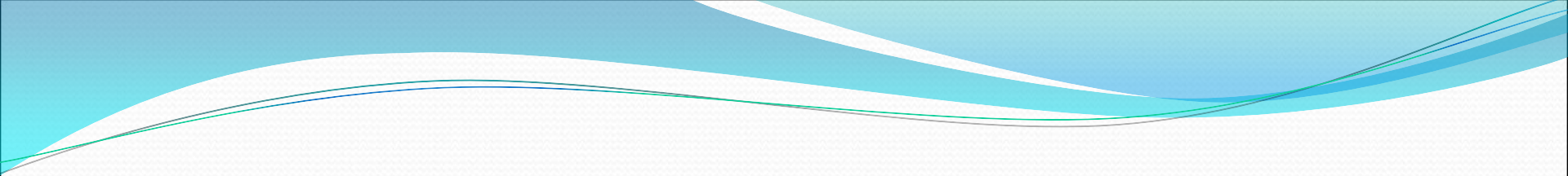
- Federal child labor laws are found in the “Fair Labor Standards Act”
- State and Federal Laws will occasionally differ
- Please comply with the strictest law
- For information on the Federal laws please contact the United States Department of Labor





# Questions





Robert Armstrong  
Field Operations Manager  
(804) 371-3104, ext. 108  
Robert.Armstrong@doli.virginia.gov

Jeff Napier  
Child Labor Compliance Officer  
(804) 371-3104, ext. 130  
Jeff.Napier@doli.virginia.gov

Laura Lancaster  
Child Labor Compliance Officer  
(804) 371-3104, ext. 131  
Laura.Lancaster@doli.virginia.gov

Timothy Watson  
Child Labor Compliance Officer  
(804) 371-3104, ext. 117  
Timothy.Watson @doli.virginia.gov